

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

WAKEEL ABDUL-SABUR,
Petitioner,

Civil Action No. 7:15 -cv-00232

v.

MEMORANDUM OPINION

HAROLD CLARKE,
Respondent.

By: **Hon. Michael F. Urbanski**
United States District Judge

Wakeel Abdul-Sabur, a Virginia inmate proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge his convictions entered by the Circuit Court for Albemarle County April 1999 for credit card theft and forgery. Court records indicate that Petitioner previously filed a § 2254 petition about the same convictions in Abdul-Sabur v. Commonwealth of Virginia, Civil Action No. 7:08-cv-00230 (W.D. Va. Apr. 17, 2008). Thus, Petitioner's current petition is a subsequent one, falling under the prohibition in 28 U.S.C. § 2244(b) against a second or successive petition. Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from a United States Court of Appeals that claims in the subsequent petition meet certain criteria. 28 U.S.C. § 2244(b). Petitioner does not describe the alleged newly-discovered evidence beyond mere labels and conclusions, and he has not submitted any evidence that he has obtained certification by the Fourth Circuit Court of Appeals. See, e.g., In re Williams, 444 F.3d 233, 235 (4th Cir. 2006). Accordingly, the court dismisses the petition without prejudice as successive. Based upon the finding that Petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

Entered: June 15, 2015

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge